

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

ERIC LIN,)	
)	
Petitioner,)	
)	
v.)	Case No. CIV-22-923-D
)	
FEDERAL BUREAU OF PRISONS,)	
)	
Respondent.)	

ORDER

On October 25, 2022, the Clerk received from Eric Lin a *pro se* pleading [Doc. No. 1] that he identified as “a motion for a preliminary injunction against the FBOP” but was filed as a petition for a writ of mandamus.¹ On October 31, 2022, the Clerk received a second paper from Mr. Lin [Doc. No. 5] designated as “a petition to withdraw the motion requesting a preliminary injunction against the FBOP.”

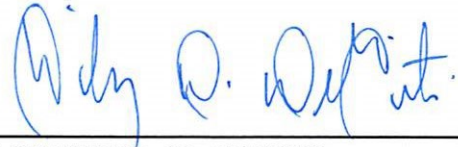
Mr. Lin states unequivocally in his October 31 filing that he wants to withdraw his original pleading. The Court construes this statement as a notice of dismissal pursuant to Fed. R. Civ. P. 41(a)(1)(A)(i). So construed, Mr. Lin’s statement operates as a notice of voluntary dismissal of this case without further action by the Court.²

¹ As a *pro se* litigant, Mr. Lin is entitled to a liberal construction of his pleadings. *See Yang v. Archuleta*, 525 F.3d 925, 927 n.1 (10th Cir. 2008); *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991).

² *See De Leon v. Marcos*, 659 F.3d 1276, 1283 (10th Cir. 2011) (“stipulation of dismissal filed under Rule 41(a)(1)(A)(i) or (ii) is self-executing”); *Janssen v. Harris*, 321 F.3d 998, 1000 (10th Cir. 2003) (*pro se* plaintiff’s “clear statement” that he wants his action dismissed effectuates a dismissal under Rule 41(a)(1)(A)(i); “no action is required on the part of the court”); *see also*

IT IS THEREFORE ORDERED that the Clerk is directed to terminate this action in her records as of the date of Mr. Lin's notice of dismissal.³

IT IS SO ORDERED this 1st day of November, 2022.



TIMOTHY D. DeGIUSTI
Chief United States District Judge

Netwig v. Ga. Pac. Corp., 375 F.3d 1009, 1010 (10th Cir. 2004) (dismissal was effective on date of Rule 41(a)(1) filing).

³ When processing Mr. Lin's initial filing as a prisoner petition, the Clerk entered an order of referral to a magistrate judge under 28 U.S.C. § 636. That Order [Doc. No. 3] is **VACATED**.